



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,322	06/27/2003	Bach L. Nguyen	CE11124JI220	7997

7590 06/26/2007
Larry G. Brown
Motorola, Inc.
Law Department
8000 West Sunrise Boulevard
Fort Lauderdale, FL 33322

EXAMINER

HUANG, WEN WU

ART UNIT	PAPER NUMBER
----------	--------------

2618

MAIL DATE	DELIVERY MODE
-----------	---------------

06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/608,322	Applicant(s) NGUYEN ET AL.	
	Examiner Wen W. Huang	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9 are pending.

Claims 10-14 are canceled.

Response to Amendment

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Balle reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The evidence submitted does not disclose the inventive concept of claim 1 (i.e. the flexibilities of the cover and the sheet being able to be manipulated into the first and second positions). The inventive concept is also described in figure 7 of the drawing of the instant application. This inventive concept is absent from the evidenced submitted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2618

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Balle et al. (US Pub No. 2004/0242288 A1; hereinafter "Balle")

Regarding **claim 1**, Balle teaches a user interface for initiating a feature in a mobile communications unit (see Balle, fig. 2), comprising:

a flexible cover having at least one contact surface, wherein a user engages said contact surface to initiate the feature in the mobile communications unit (see Balle, fig. 2, component 342), and having at least one extension extending away from said flexible cover (see Balle, fig. 4, component 344 and para. [0042], line 5); and

a flexible sheet (see Balle, fig. 3, component 340 and para. [0042], lines 1-2), wherein said flexible cover and said flexible sheet are in a first position when undisturbed (see Balle, fig. 3, para. [0038]) and a second position when being manipulated for incorporation into the mobile communications unit (see Balle, fig. 4, component 400 and para. [0042], lines 5-13), wherein said flexible sheet at least partially directs said flexible cover to return to said first position after said flexible cover and said flexible sheet are manipulated into said second position (see Balle, para. [0038], lines 3-5).

Art Unit: 2618

Regarding **claim 2**, Balle also teaches the user interface according to claim 1, wherein said extensions extending away from said flexible cover detachably engage at least one slot (see Balle, fig. 4, component 352) mounted on the mobile communications unit when said flexible cover is in said first position (see Balle, fig. 4, para. [0042], lines 5-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balle as applied to claim 1 above, and further in view of Serizawa et al. (US 6,700,086 B2; hereinafter "Serizawa")

Regarding **claim 3**, Balle teaches the user interface according to claim 1.

Balle is silent to teaching that wherein said flexible sheet includes at least one extension extending away from said flexible sheet, said extensions of said flexible sheet corresponding to said extensions of said flexible cover. However, the claimed limitation is well known in the art as evidenced by Serizawa.

In the same field of endeavor, Serizawa teaches an user interface wherein said flexible sheet includes at least one extension extending away from said flexible sheet

Art Unit: 2618

(see Serizawa, fig. 32, components 24 and 33), said extensions of said flexible sheet corresponding to said extensions of said flexible cover (see Serizawa, fig. 32, component 324).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle with the teaching of Serizawa in order to provide an easy installation process (see Serizawa, col. 2, lines 16-27).

Regarding **claim 4**, Balle teaches the user interface according to claim 1.

Balle is silent to teaching that wherein said flexible cover is constructed of a material selected from the group consisting of rubber and plastic. However, the claimed limitation is well known in the art as evidenced by Serizawa.

In the same field of endeavor, Serizawa teaches an user interface wherein said flexible cover is constructed of a material selected from the group consisting of rubber and plastic (see Serizawa, col. 24, line 8 and col. 9, line 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle with the teaching of Serizawa in order to provide an easy installation process (see Serizawa, col. 2, lines 16-27).

Regarding **claim 5**, Balle teaches the user interface according to claim 1.

Balle is silent to teaching that wherein said flexible sheet is constructed of metal. However, the claimed limitation is well known in the art as evidenced by Serizawa.

In the same field of endeavor, Serizawa teaches a user interface wherein said flexible sheet is constructed of metal (see Serizawa, fig. 32, component 24 and col. 10, lines 69-40; the electricity conductivity of the printed circuit reads on the limitation of being constructed of metal).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle with the teaching of Serizawa in order to provide an easy installation process (see Serizawa, col. 2, lines 16-27).

Regarding **claim 6**, Balle teaches the user interface according to claim 1.

Balle is silent to teaching that further comprising at least one indicator, said indicator being disposed within and visible from said contact surface. However, the claimed limitation is well known in the art as evidenced by Serizawa.

In the same field of endeavor, Serizawa teaches a user interface further comprising at least one indicator, said indicator being disposed within and visible from said contact surface (see Serizawa, col. 21, lines 3-5 and col. 9, line 39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle with the teaching of Serizawa in order to provide an easy installation process (see Serizawa, col. 2, lines 16-27).

Regarding **claim 9**, Balle teaches the user interface according to claim 1.

Balle is silent to teaching that wherein the flexible cover includes a designation associated with a customer. However, the claimed limitation is well known in the art as evidenced by Serizawa.

In the same field of endeavor, Serizawa teaches a user interface wherein the flexible cover includes a designation associated with a customer (see Serizawa, col. 21, lines 3-5 and 26-30; col. 9, line 39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle with the teaching of Serizawa in order to provide an easy installation process (see Serizawa, col. 2, lines 16-27).

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balle and Serizawa as applied to claim 6 above, and further in view of Nickum (US. 7,003,279 B2)

Regarding **claim 7**, the combination of Ball and Serizawa teaches the user interface according to claim 6.

However, the combination of Ball and Serizawa is silent to teaching that wherein said indicator informs the user of a status of a network connection.

But, Nickum teaches a user interface (see Nickum, col. 7, lines 6-8 and 45-46) wherein said indicator informs the user of a status of a network connection (see Nickum, col. 7, lines 61-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle and Serizawa with the teaching of Nickum in order to provide a way to inform users of wireless services of a network condition (see Nickum, col. 1, lines 45-48).

Regarding **claim 8**, the combination of Ball and Serizawa teaches the user interface according to claim 6.

However, the combination of Ball and Serizawa is silent to teaching that wherein said indicator informs the user of the receipt of an incoming communications signal.

But, Nickum teaches a user interface (see Nickum, col. 7, lines 6-8 and 45-46) wherein said indicator informs the user of the receipt of an incoming communications signal (see Nickum, col. 7, lines 61-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Balle and Serizawa with the teaching of Nickum in order to provide a way to inform users of wireless services of a network condition (see Nickum, col. 1, lines 45-48).

Response to Arguments

Applicant's arguments filed 3/26/07 have been fully considered but they are not persuasive.

The affidavit filed on 3/26/07 under 37 CFR 1.131 has been considered but is ineffective to overcome the Balle reference (US Pub No. 2004/0242288 A1).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone

Art Unit: 2618

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wwh

wwh
6/17/07



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER